



**U.S. Army Corps
Of Engineers**
Norfolk District

CENAO-REG

December 2, 2008

MEMORANDUM FOR: U.S. COAST GUARD CAPTAIN OF THE PORT, THE VIRGINIA MARINE RESOURCE COMMISSION, LAW ENFORCEMENT DIVISION AND CONCERNED PARTIES.

SUBJECT: Designation of a Moving Exclusion Zone adjacent to Plum Tree Island National Wildlife Refuge (NWR) adjacent to the Chesapeake Bay, a navigable water of the United States located at Poquoson Virginia.

On July 15, 2004 The District Engineer, at the request of The United States Fish and Wildlife Service, established a Local Order, authorizing a Danger Zone along portions of Plum Tree Island NWR. In the past several months, numerous site inspections and multiple interviews with local waterman have been conducted. Our conclusion is that hazards likely exist both below and above the sub-aqueous bottom.

Pursuant to the authority granted in 33 C.F.R. 209.200, 334.3(c), 33 U.S.C. 1 and 33 U.S.C. 3 The District Engineer has authorized a Danger Zone in waters of the United States adjacent to Plum Tree Island, Poquoson Virginia as follows:

Between January 1, 2009 and April 30, 2010, the United States Army Corps of Engineers will be locating, and detonating UXO located in the vicinity of Plum Tree Island. During a detonation event, a 1500 yard temporary exclusion zone will be established around the suspected UXO. Mariners will not be allowed to operate within this exclusionary zone for any reason. This exclusion zone will be in effect only for the length of time it takes to render the UXO harmless.

The United States Coast Guard will establish a Broadcast Notice to Mariner to inform the maritime community of the events taking place. The on scene coordinator/commander will monitor VHF channel 16 and 13 and security broadcasts will be made every 15 minutes beginning one hour prior to closing an area and throughout the event sequence.

The on scene Coordinator and/or Commander are authorized to expand or reduce the over all size of the Exclusion Zone as conditions dictate.

The regulation in this section, established by the United States Army Corps of Engineers may be enforced by any Federal Agency, State, Local or County Law Enforcement agency, or Private Security Firms in the employment of the Corps of Engineers or U.S. Fish and Wildlife Service so long as the entity undertaking enforcement action has the legal authority to do so under the appropriate Federal, State, or Local laws.

For the latest information regarding the danger zone or for permission to enter the area contact Mr. Rick Henderson Corps of Engineers Regulatory Branch at (757) 201-7653 or check the web site at <http://www.nao.usace.army.mil/Regulatory/PN/PN.html>. For information regarding technical issues associated with the hazards contact Ms. Adriane James (757) 201-7701

FOR AND IN BEHALF OF THE DISTRICT ENGINEER, COLONEL DIONYSIOS ANNINOS:

J. ROBERT HUME, III
Chief, Regulatory Office